



NATIONAL ASSOCIATION OF REALTORS®

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The Voice for Real Estate™

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May 26, 1991

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Federal Communications Commission
Office of the Secretary

Office of the Secretary
Federal Communications Commission
1919 M. St., N.W.
Washington, D.C. 20554

Re: In the Matter of The Telephone Consumer Protection Act
of 1991; Docket No. 92-90; Adopted April 10, 1992

Dear Secretary:

The NATIONAL ASSOCIATION OF REALTORS® represents over 750,000 real estate professionals engaged in every aspect of the real estate business. NAR would like to thank the Commission for this opportunity to present our views in implementing the Telephone Consumer Protection Act of 1991 (TCPA).

The implementing regulations of the TCPA could have a substantial impact on NAR member business operations. Many REALTORS® utilize live cold calling and other techniques to farm a particular local area for prospective real estate listings. Real estate brokers work hard to establish a recognized name in a particular market and, therefore, are very unlikely to utilize telemarketing techniques outside a metropolitan area or engage in the use of auto dialer calls. NAR is not aware of any consumer complaints against real estate brokers arising from local telephone marketing.

NAR supports the goals of TCPA which, in general, limit auto dial solicitations and interruptions of police, fire, and health institutions by such devices. However, as the Commission points out in its notice, telephone marketing generated \$435 billion in sales in 1990. These contacts provided consumers with market information and opportunities to purchase goods and services which they might otherwise not have had. In our comments we hope to assist the Commission in crafting regulations which carry out the intent of the TCPA of 1991, but are the least intrusive toward legitimate marketing techniques of real estate professionals, and which do not adversely affect the privacy concerns which the TCPA seeks to protect.

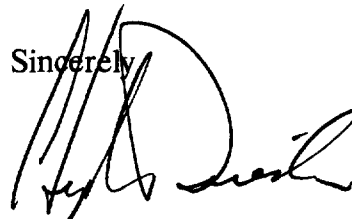
The NAR comments focus on Section F "TELEPHONE SOLICITATION TO RESIDENTIAL SUBSCRIBERS" of the Notice of Proposed Rulemaking and specifically on live solicitations. NAR believes regulation of live solicitations is not needed as the complaints on this marketing method are extremely low in comparison to other methods such as the use of artificial computer-generated solicitations. In addition, our membership will face a substantial increase in administrative cost if a national data base, funded by telephone solicitors, is implemented. A much more efficient method would require solicitors to create and maintain an internal list of those individuals requesting removal from company solicitation files.

The Commission requested comment on whether it is in the public interest to recognize the difference in the nuisance factor of auto dialer calls as opposed to live solicitations. NAR believes auto dialer calls and live solicitations should be treated differently. Live solicitations are less intrusive than auto dialer calls, as is evident from the complaints the FCC received on both types of solicitation in 1990 (757 from auto dialers verses 74 from live solicitations). This appears to be related to the fact that live callers interact with consumers and can immediately respond to consumer dissatisfaction. Early in a live solicitation, consumers can indicate whether there is any interest in the goods or services offered and terminate the call. In a live solicitation, the consumer can immediately indicate whether he or she would like to be removed from the companies internal call list. It seems only reasonable to treat live solicitations differently from auto dial solicitations.

The TCPA directs the FCC to compare and evaluate alternative methods and procedures of restricting telephone solicitation. These methods and procedures include the use of national or regional databases of those persons who do not wish to be solicited, telephone network technologies which block calls from solicitors, special directory markings, industry or company-specific "do-not-call" systems and time-of-day restrictions. NAR advocates a company-specific internally-generated "do-not-call" system because it presents the most fair and efficient method for addressing the faults of the few marketers who generate the vast majority of consumer complaints.

NAR appreciates this opportunity to comment on the TCPA implementing regulations, and we look forward to working with the Federal Communications Commission in carrying out the mandates of that legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Driesler', written over the word 'Sincerely,'.

Stephen Driesler